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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,108	05/05/2004	Martin Weel	1116-064	9463

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EXAMINER	
DAFTUAR, SAKET K	

ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/840,108	WEEL, MARTIN	
	Examiner	Art Unit	
	SAKET K. DAFTUAR	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-18,31,32,34-44 and 50-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-18, 31-32, 34-44 and 50-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/22/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. This office action is responsive to the amendment filed on June 19th, 2008. Claims 11-18. 31-32, 34-44 and 50-55 are presented for the further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 11-18. 31-32, 34-44 and 50-55 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 11-18, 31-32, 34-44 and 50-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Mimura et al. US Patent Number 7,218,611 B2 (hereinafter Mimura).

As per claim 11, Mimura discloses broadcasting a signal from a first device [broadcast apparatus 1] operative to be received by a second device [reception apparatus 2], the signal including a request for a identifiers (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2); receiving at least the identifier on the first device(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2); selecting the identifier(Abstract, figure 18, column 20,line 16 – column 21,line 42 see figures 1-2); transmitting from the first device a password associated with the identifier(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 4a-4b and 5a -5b); and receiving at the first device at least one device identifier identifying a device associated with the identifier(Abstract, figure 18, column 20,line 16 – column 21,line 42; see figures 4a-4b and 5a -5b).

However, Mimura is silent about the concept of a location identifier (ID) or a list of location identifier from a device and that further require entering a password or authentication information associated with the identifier.

Johnson teaches the concept of a location identifier (ID) or a list of location identifier from a device and that further require entering a password or authentication information associated with the identifier (see figures 1-10, Johnson clearly discloses server locating and recording location and movement

of particular device with activation and authorization ID [figure 7A, blocks 704, 718, 720] associated with it).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Mimura and Johnson to obtain predictable result to provide a broadcast system in which the packet sent from the secured broadcast apparatus arrives at the secured reception apparatus remotely located at the situational location whereas the situational location of the secure remote data processing system may be its location, direction, location and direction, proximity to a location , state change, or location and/or direction relative to a previous location.

As per claim 12, Johnson discloses the location identifier comprises a name associated with one of a physical realm and a logical realm (see figures 1-10).

As per claim 13, Mimura discloses selecting, at the first device, the at least one device identifier identifying the device associated with the identifier, and controlling the device associated with the identifier(Abstract, figure 18, column 20,line 16 – column 21,line 42; see figures 4a-4b and 5a -5b).

As per claim 14, Mimura discloses the device associated with the identifier comprises the second device(Abstract, figure 18, column 20,line 16 – column 21,line 42; see figures 4a-4b and 5a -5b).

As per claim 15, Mimura discloses controlling the device associated with the identifier comprises causing the device associated with the identifier to

render at least a portion of a media item (Abstract, figure 18, column 20,line 16 – column 21,line 42, column 1,line 13- column 2,line 26; see figures 4a-4b and 5a - 5b).

As per claim 16, Mimura discloses controlling the device associated with the identifier further comprises transferring a media item from the device associated with the identifier to the first device (Abstract, figure 18, column 20,line 16 – column 21,line 42, column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b).

As per claim 17, Mimura discloses the broadcasting a signal comprises broadcasting a signal from a first device operative to be received by a plurality of second devices, wherein each of the plurality of second devices is operatively connected to a same local area network (Abstract, figure 18, column 20,line 16 – column 21,line 42, column 1,line 13- column 2,line 26; see figures 4a-4b and 5a - 5b).

As per claim 18, Mimura discloses the broadcasting a signal comprises broadcasting a signal from a first device operative to be received by a plurality of second devices, wherein each of the plurality of second devices is operatively coupled to a network selected from the group consisting of a local area network, a wide area network, a remote local area network, a wireless network, a cellular phone network, and the Internet (Abstract, figure 18, column 20,line 16 – column 21,line 42, column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b).

As per claims 31-32 and 34-39, they do not teach or further define over the limitation as recited in claims 11-18, Mimura discloses therefore, claims 31-32 and 34-39 are rejected under same scope as discussed in claims 11-18, supra.

As per claim 40, Mimura discloses the first device comprises at least one of a PDA, a palmtop computer, a laptop computer, and a cellular telephone (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41).

As per claim 41, Mimura discloses wirelessly broadcasting, on a first device, a ID (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b);wirelessly receiving, on a second device, the ID(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b);entering, on the second device, a password associated with the ID(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b);effecting the playing of a media item on the first device by the second device ((Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41 ; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b).

However, Mimura is silent about the concept of a location identifier (ID) or a list of location identifier from a device and that further require entering a password or authentication information associated with the identifier.

Johnson teaches the concept of a location identifier (ID) or a list of location identifier from a device and that further require entering a password or authentication information associated with the identifier (see figures 1-10, Johnson clearly discloses server locating and recording location and movement of particular device with activation and authorization ID [figure 7A, blocks 704, 718, 720] associated with it).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Mimura and Johnson to obtain predictable result to provide a broadcast system in which the packet sent from the secured broadcast apparatus arrives at the secured reception apparatus remotely located at the situational location whereas the situational location of the secure remote data processing system may be its location, direction, location and direction, proximity to a location , state change, or location and/or direction relative to a previous location.

As per claim 42, Mimura discloses the effecting the playing of a media item further comprises communicating with the second device over a local area network to which the second device is connected (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b).

As per claim 43, Mimura discloses the affecting the playing of a media item further comprises communicating with the second device over a wide area network to which the second device is connected (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b).

As per claim 44, Mimura discloses the wide area network comprises the Internet (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b).

As per claim 50, Mimura discloses moving a first device operative to receive a wireless broadcast of at least one ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast at least one ID(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b);receiving, at the first device, a ID from the at least one second device(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b);displaying, on the first device, the ID received from the at least one second device(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41, see figures 12a- 12b; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b);selecting, on the first device, the ID(Abstract, figure 18, column 20,line 16 – column 21,line 42, see

figures 1-2; column 14,lines 14-41; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b);entering, on the first device, a password associated with the selected ID (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41; column 1,line 13- column 2,line 26; see figures 4a-4b and 5a -5b) ; and selecting, on the first device, a song to be played on the at least one second device (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41) .

However, Mimura is silent about the concept of a location identifier (ID) or a list of location identifier from a device and that further require entering a password or authentication information associated with the identifier.

Johnson teaches the concept of a location identifier (ID) or a list of location identifier from a device and that further require entering a password or authentication information associated with the identifier (see figures 1-10, Johnson clearly discloses server locating and recording location and movement of particular device with activation and authorization ID [figure 7A, blocks 704, 718, 720] associated with it).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Mimura and Johnson to obtain predictable result to provide a broadcast system in which the packet sent from the secured broadcast apparatus arrives at the secured reception apparatus remotely located at the situational location whereas the situational location of the secure remote data processing system may be its

location, direction, location and direction, proximity to a location , state change, or location and/or direction relative to a previous location.

As per claim 51, Mimura discloses the at least one second device broadcasting a plurality of IDs (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41);receiving at the first device the plurality of IDs from the at least one second device (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41);displaying, on the first device, the plurality of IDs (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41, see figures 12 a- 12b); and selecting, on the first device, one of the plurality of IDs(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41).

As per claim 52, Mimura discloses receiving, on the at least one second device, the password entered into the first device (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41);authenticating the password(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41); and ending to the first device, in response to a successful authentication, a list of device IDs of devices on the network(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41).

As per claim 53, Mimura discloses receiving, on the first device, the list of device IDs sent by the at least one second device, displaying on the first device

the device IDs(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41); and selecting one of the device IDs. (Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41).

As per claim 54, Mimura discloses the list of devices is transmitted from a server operatively connected to the network through a wide area network(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41).

As per claim 55, Mimura discloses transmitting the list of devices from a server operatively connected to the network through a wide area network(Abstract, figure 18, column 20,line 16 – column 21,line 42, see figures 1-2; column 14,lines 14-41).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Dynamic Streaming Media Management by O'Rourke et al. US Patent Number 6,990,497 B2.

b. Streaming Media Delivery on Multicast Networks for Network and Server Bandwidth Minimization and Enhanced Personalization by Weber et al. US Patent Number 7,020,710 B2.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAKET K. DAFTUAR whose telephone number is (571)272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. K. D./
Examiner, Art Unit 2151
/John Follansbee/
Supervisory Patent Examiner, Art Unit 2151